

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MENDEZ INTERNATIONAL TROPICAL FOODS,  
INC.,

Plaintiff,

- against -

DG 231 FOOD CORP. t/a DAN'S SUPERMARKET  
and JULIO A. THEN,

Defendants.

Case No. 24-cv-9292 (MMG)

**FINAL ORDER  
AND JUDGMENT**

**THIS MATTER** having come before the Court on Plaintiff's application for a Final Order and Judgment; and it appearing that pursuant to the terms of the Stipulation and Order previously filed in this action, this Court is to enter this Final Order and Judgment immediately upon the filing of a declaration by Plaintiff's attorney which states that payment has not been made by Defendants as required by the Stipulation and Order and Defendants have failed to cure the default in payment; and it appearing that Plaintiff's attorney has filed such a declaration and that Defendants have failed to make payment and to cure that default in accordance with the Stipulation and Order; and for good cause shown;

IT IS on this 27th day of June, 2025,

**ORDERED, ADJUDGED, AND DECREED** that plaintiff Mendez International Tropical Foods, Inc. ("Plaintiff") is a qualified trust creditor and beneficiary under the provisions of the Perishable Agricultural Commodities Act, 7 U.S.C. § 499a *et seq.* ("PACA"), of defendants DG 231 Food Corp. trading as Dan's Supermarket ("Dan's Supermarket") and Julio A. Then ("Then") (Dan's Supermarket and Then collectively, "Defendants"), jointly and severally, for a debt in the principal amount of \$ 45,793.50, plus interest at the rate of 18% *per annum* in the amount of

\$ 11,361.71 and reasonable attorneys' fees in the amount of \$ 18,781.17, for a total judgment amount of \$ 75,936.38 under the trust provisions of the PACA; and it is further

**ORDERED** that Defendants shall, within five business days of service of this Order, turnover any and all funds realized from the sale of produce or products derived from produce in their possession to McCarron & Diess, attorneys for Plaintiff, located at 200 Broadhollow Road, Suite 207, Melville, New York, 11747 ("Plaintiff's Counsel"), for distribution to Plaintiff; and it is further

**ORDERED** that any and all funds belonging to Defendants, in the possession of third parties, shall be immediately turned over to Plaintiff's Counsel, for distribution to Plaintiff; and it is further

**ORDERED** that any and all funds owed to Defendants shall be paid directly to Plaintiff's Counsel, when due for distribution to Plaintiff; and it is further

**ORDERED** that Defendants shall supply to Plaintiff's Counsel, within five days of the date of this Order, any and all documents in their possession, custody or control which reflect or relate to Defendants' assets and liabilities, including, but not limited to, the most recent balance sheets, profit/loss statements, accounts receivable reports, accounts payable reports, accounts paid records, bank account statements and income tax returns; and it is further

**ORDERED** that the judgment entered in favor of Plaintiff and against Defendants, jointly and severally, is a final judgment, there being no just cause for delay in light of Plaintiff's statutory right to prompt payment under PACA, and Plaintiff may have immediate execution therefore.

**SO ORDERED:**

ENTERED this 27th day of June, 2025.

  
Margaret M. Garnett  
United States District Judge